



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

PP03-04-110. Public project to allow the completion of a 210 foot long bridge crossing over Los Alamitos Creek at the outfall of Almaden Lake and 565 lineal feet of associated paved pedestrian/bicycle trail. (City of San Jose/Santa Clara Valley Water District, Owner, City of San Jose, Developer). Council District: 10

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

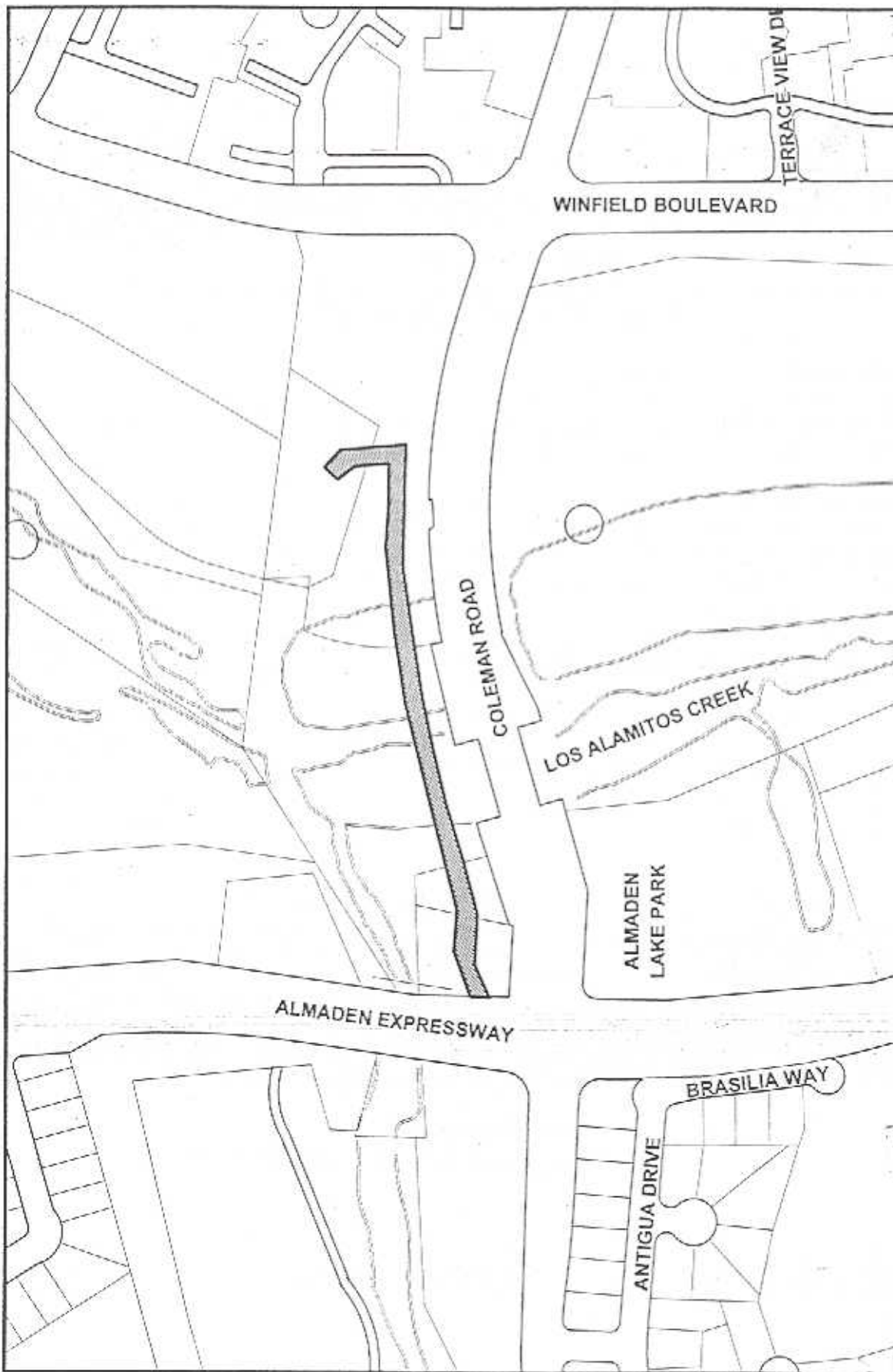
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **May 19, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **April 18, 2003** and ends on **May 19, 2003**.

The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Almaden Branch Library, 6455 Camden Avenue, San José, CA 95120 San Jose, and online at [www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm](http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm). Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Susie Pineda** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: April 17, 2003

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Deputy



File No: Guadalupe River Trail Bridge

District: 10

Quad No: 128



Scale: 1"=300'

Created on 04/10/03

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Guadalupe River Trail Bridge at Almaden Lake Park

**PROJECT FILE NUMBER:** PP03-04-110

**PROJECT DESCRIPTION:** The completion of a 210 foot long bridge crossing over Los Alamitos Creek at the outfall of Almaden Lake an 565 lineal feet of associated paved pedestrian/bicycle trail.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Northeast side of the intersection of Coleman Road and Almaden Expressway. (A.P.N.: 694-02-002, -015, -026)

**COUNCIL DISTRICT:** 10

**NAME OF APPLICANT:** City of San Jose Department of Public Works

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

Jan Palajac, Department of Public Works, Parks and Recreation Facilities Division, 2 North Second Street, Suite 700, San Jose, CA 95113; Phone # (408) 794-1376

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- 1. AIR QUALITY:** The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less-than-significant level. The following mitigation would be implemented during all phases of construction on the project site:
  - Water all active construction areas at least twice daily or as often as needed to control dust emissions.
  - Cover all trucks hauling soil, sand, gravel and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

- Pave, apply water twice daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep public streets daily or as often as needed to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.

**2. BIOLOGICAL RESOURCES:** To avoid indirect impacts to riparian, wetland and open water habitat that occur in and along the banks of Los Alamitos Creek, the City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall incorporate construction Best Management Practices (BMP's) to preclude erosion or sediments from entering Los Alamitos Creek during and after construction of the trails and bridge.

The City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall implement the following BMP's during all phases of construction on the project site:

- Conduct construction activities within 20 feet of the riparian scrub during the dry season from April 15<sup>th</sup> to October 15<sup>th</sup>;
- Divert concentrated runoff away from channel banks;
- Minimize vegetation removal;
- Identify with construction fencing all areas that require clearing, grading revegetation or other disturbed areas;
- Stabilize disturbed soils to minimize erosion and sediment input to the creek;
- Implement erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;
- Conduct erosion control seeding of all disturbed areas as soon as practicable after disturbance following construction;
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding, repair of silt fencing) if sedimentation or erosion is noted.

To compensate for direct impacts to riparian scrub during construction of the west abutment along the creek, shading of riparian scrub and freshwater marsh from the new bridge, the close proximity of the bridge and the trails' to Los Alamitos Creek and potential indirect impacts to riparian wildlife from an increase in trail users, the City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall implement the following:

- Along the east bank, upstream and downstream of the new bridge, install a 3-foot high fence (i.e., open, split-rail type, or similar) between the existing trail and the existing riparian scrub and revegetation area to create a physical barrier between the trail and the habitat areas.
- Along the east bank, downstream of Coleman Road, implement a revegetation plan that creates riparian scrub and vegetative barrier plantings (totaling approximately 500 square feet) between the fence and the creek habitat.

- Along the west bank, downstream of the new bridge, implement a revegetation plan that creates vegetative barrier plantings, totaling approximately 130 square feet.
- Along the east bank, implement a revegetation plan that creates additional wetland plantings along the edge of the creek, totaling approximately 100 square feet.

The City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall prepare and implement the revegetation plan for the establishment of the riparian scrub, vegetative barrier plantings and freshwater marsh plantings. The plan shall specify the detailed location of all plantings, the use of locally native riparian plant species (i.e., native to the Guadalupe River) and specify a 5-year maintenance and monitoring program. The plan shall specify the City shall monitor the revegetation areas a minimum of once a year. During each year of the 5-year monitoring period, plantings shall achieve a minimum 80% survival rate for the revegetation to be deemed successful. Plant species proposed for the revegetation are listed on Table 3 in Appendix A.

The City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall prepare yearly monitoring reports and submit these reports to the City of San Jose Planning Department at the end of each monitoring year. The reports shall identify the plant survival rate, maintenance actions at the site and include photographs documenting the status of the revegetation. The City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall implement remedial measures should the success criteria not be achieved in any of the five monitoring years. Remedial measures may include replacement plantings, an increase in maintenance or changes to the irrigation regime.

A qualified wildlife biologist, under contract to the City, shall conduct pre-construction presence/absence surveys for California red-legged frogs and Western Pond Turtles. These surveys shall consist of one survey conducted no more than 48 hours before the onset of construction activities (or other USFWS-approved protocol, if such protocol is adopted by USFWS prior to site construction). If red-legged frogs are heard or seen during the pre-construction surveys, construction will be postponed and USFWS will be contacted for guidance on methods to proceed with construction without impacting California red-legged frogs. No red-legged frogs shall be handled or relocated without authorization from the USFWS.

**3. CULTURAL RESOURCES:** The following mitigation will be incorporated into the proposed project:

- In compliance with state law, in the event human remains are encountered during earthmoving activities, all work within 25 feet of the find will stop and the Santa Clara County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the "Most Likely Descendant" (MLD). The City, in consultation with the MLD, would then prepare a plan for treatment, study and reinterment of the remains. All significant artifacts and samples recovered during construction would be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility.
- In the event that prehistoric or historic resources are encountered during earthmoving activities, all work within 25 feet of the find will stop, the Director of Planning, Building, and Code

Enforcement would be notified, and a qualified archaeologist will examine the find and make appropriate recommendations for collection, recordation and analysis of the find.

**4. GEOLOGY AND SOILS:** To prevent structural instability of project facilities that City of San José, Department of Public Works Parks and Recreation Facilities Division shall have a formal geotechnical investigation of the project site conducted prior to completion of the final construction plans for the project. The investigation shall include the following:

- Convention borings to determine the surface soil characteristic at the site;
- Laboratory testing of procured subsurface soil samples;
- Liquefaction analysis;
- Incorporation of recommendations of a civil engineer to resist scouring impacts;
- Parameters for foundation design (bearing capacity, depth of footing, etc.); and
- A determination if a cost-versus-risk analysis is recommended before proceeding with the project. The results of this investigation shall be incorporated in the design of the project.

**5. HAZARDS AND HAZARDOUS MATERIALS:** The following measures have been included to reduce potential hazardous materials impacts:

- Soil to be removed will be randomly sampled to determine if mercury levels are high enough to qualify the soil as a hazardous material based on California Code of Regulations, Title 22 thresholds for a contaminants.
- If the soil is not considered a hazardous material no further action is required. If the soil is considered a hazardous material, the following measures will be incorporated into the project:
  - All soil will be transported in accordance with the City of San Jose Municipal Code (11.90.50) and title 13, Division 2, Chapter 6 of the California Code of Regulations.
  - Obtain permission from an appropriately licensed disposal facility to dispose of contaminated soils.
  - Inform the contractor of the presence of potentially hazardous materials within the project area so that proper health and safety measures can be provided to the construction workers.

**6. HYDROLOGY AND WATER QUALITY:** Grading activities associated with construction of the trail and bridge will create exposed earthen surfaces and temporary stockpiles of earthen material proximate to and adjoining Los Alamitos Creek. This will result in erosion during rainfall events that will produce sedimentation of the creek. The following measures have been included in the project to reduce potential construction- related water quality impacts:

- The project will comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation, and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures will be implemented to prevent storm water pollution and minimize potential sedimentation during construction.

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized to withstand or avoid erosion.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Existing vegetation will be removed only when it is absolutely necessary.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

To prevent destabilization of the bridge from scouring during high stream flow events, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have a civil engineer evaluate the winter flow rates of Los Alamitos Creek at the Almaden Lake outfall to determine the potential depths of scouring that winter flows will generate at the two interior foundation supports for the bridge. This information shall be provided to the project geotechnical engineer prior to completion of final project plans so the appropriate design details for the bridge can be determined.

**7. NOISE:** The following measures have been included to reduce potential construction related noise impacts:

- Construction activities would be limited to the period between 7:00 am and 7:00 pm Monday through Friday.
- The contractor would be required to use “new technology” power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The develop would implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residences, to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  - Early and frequent notification and communication with the neighborhood and other land uses of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that occur.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **May 19, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The

written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: April 17, 2003

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Deputy

Adopted on: \_\_\_\_\_

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Deputy

MND/SP